

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

Filed at 11:45 A.M.
7/17/2009
WKS
DEPUTY CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

UNITED STATES OF AMERICA :

CRIM. NO: 7:09-CR-8-WLS

vs. :

DWAIN D. WILLIAMS :

GOVERNMENT'S MOTION TO DETAIN
IN A CASE INVOLVING CHILD EXPLOITATION

COMES NOW the United States of America, by and through its attorney, the United States Attorney for the Middle District of Georgia, and moves the court to detain the defendant pursuant to 18 U.S.C. §§ 3142(e) and (f), and, in support, shows as follows:

This case is eligible for a detention order because this case involves (select all that apply):

☒ **Crime of Violence (18 U.S.C. § 3156).** The term "Crime of Violence" is defined in § 3156(a)(4) as follows:

(A) an offense that has an element of the offense the use, attempted use or threatened use of physical force against the person or property of another;

(B) any other offense that is a felony and that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; or

(C) "Any felony under Chapter 109A ["Sexual Abuse"], Chapter 110A ["Sexual Exploitation and Other Abuse of Children."]

This case qualifies for detention under sections B & C listed in bold above.

- ☐ Maximum sentence of life imprisonment or death
- ☐ 10 + year drug offense
- ☐ Felony, with two prior convictions in the above categories
- ☐ Serious risk the defendant will flee
- ☐ Serious risk of obstruction of justice

2. **Reason for Detention.**

The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

- ☒ Defendant's appearance as required
- ☒ Safety of any other person and the community

3. **Rebuttable Presumption.**

The United States will invoke the rebuttable presumption against defendant under 18 U.S.C. § 3142(e). The presumption applies because :

- ☐ Probable cause to believe defendant committed 10 + year drug offense or an offense in which a firearm was used or carried under 18 U.S.C. § 924c.
- ☐ Probable cause to believe that defendant committed a crime of violence.
- ☐ A period of five years has not elapsed from defendant's conviction or release from imprisonment for the offense described above.
- ☒ Probable cause to believe defendant committed an offense against a minor victim involving child pornography or child exploitation.

4. **Time for Detention Hearing.**

The United States requests the Court conduct the detention hearing:

- ☐ At the initial appearance.

✓ After continuance of 3 days (not more than 3), excluding Saturday, Sunday, and any legal holiday.

The United States requests leave of Court to file a supplemental motion with additional grounds or presumption for detention should this be necessary.

Respectfully submitted this 17th day of July, 2009.

MAXWELL WOOD
UNITED STATES ATTORNEY

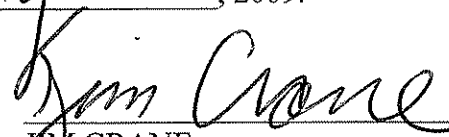
By:

Jim Crane
JIM CRANE
ASSISTANT UNITED STATES ATTORNEY

CERTIFICATE OF SERVICE

I do hereby certify that I have this date served the within and foregoing Government's Motion to Detain upon the defendant by hand-delivering a copy of same to defendant.

This 17th day of July, 2009.



JIM CRANE
ASSISTANT UNITED STATES ATTORNEY

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